

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**NETTIE Y. DAVIS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NUMBER** 3:21-cv-616-DPJ-FKB

**MICHAEL WATSON, Secretary of State of the  
State of Mississippi, in His Individual and Official Capacities**

**DEFENDANT**

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**NOTICE OF REMOVAL**

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**TO: Nettie Y. Davis, Plaintiff, and Zack Wallace, Circuit Clerk of Hinds County,  
Mississippi**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§1331, 1367, 1441, 1446, and 1447, Defendant, Michael Watson, Secretary of State of the State of Mississippi, in his individual and official capacities (hereafter “Secretary Watson”), hereby removes this action from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division. Secretary Watson, through undersigned counsel, would respectfully show unto the Court the following grounds for removal:

1. Plaintiff filed suit against Secretary Watson alleging violations of rights arising under the United States Constitution and other federal statutes through 42 U.S.C. §1983. A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. Plaintiff filed suit on September 1, 2021. Therefore, this Notice of Removal is timely under 28 U.S.C. §1446(b). A true copy of the certified state court file from the Circuit Court of the First Judicial District of Hinds County, Mississippi is attached hereto as Exhibit B.

3. This Court has subject matter jurisdiction over Plaintiff’s alleged claims arising under federal law pursuant to 28 U.S.C. §1331. The Court has supplemental jurisdiction over Plaintiff’s state

law claims, if any, under 28 U.S.C. §1367. Because this Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, this action may be removed to this Court pursuant to 28 U.S.C. §1441, including Section 1441(b).

4. The United States District Court for the Southern District of Mississippi, Northern Division, has jurisdiction over this matter and is the proper venue for this action as the events described in the Complaint allegedly rise to the suit occurred in the First Judicial District of Hinds County, Mississippi, and the Complaint was filed in the Circuit Court for the First Judicial District of Hinds County, Mississippi.

5. As required by 28 U.S.C. §1441(d), a copy of this Notice of Removal has been served on Nettie Davis, Plaintiff, and Zack Wallace, Circuit Clerk of Hinds County.

**WHEREFORE, PREMISES CONSIDERED,** Michael Watson, Secretary of State of the State of Mississippi, in his individual and official capacities, prays that this Court accept this Notice of Removal and further prays for such other relief as the Court deems appropriate.

THIS the 24<sup>th</sup> day of September 2021.

Respectfully submitted,

MICHAEL WATSON, SECRETARY OF STATE  
OF THE STATE OF MISSISSIPPI, IN HIS  
INDIVIDUAL AND OFFICIAL CAPACITIES,  
DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL  
STATE OF MISSISSIPPI

By: s/Gerald L. Kucia  
GERALD L. KUCIA (MSB #8716)  
Special Assistant Attorney General

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ATTORNEY FOR DEFENDANT MICHAEL  
WATSON, SECRETARY OF STATE  
OF THE STATE OF MISSISSIPPI,  
IN HIS INDIVIDUAL AND OFFICIAL  
CAPACITIES

**CERTIFICATE OF SERVICE**

I, Gerald L. Kucia, Special Assistant Attorney General and attorney for Defendant Michael Watson, Secretary of State of the State of Mississippi, in his Individual and Official Capacities, do hereby certify that I have this date served the foregoing pleading by United States Mail to the following:

Jim Waide, Esq.  
Waide and Associates, P.A.  
Post Office Box 1357  
Tupelo, Mississippi 38802-1357  
*Attorney for Plaintiff*

Zack Wallace  
Post Office Box 327  
Jackson, Mississippi 39205  
*Hinds County Circuit Clerk*

THIS the 24<sup>th</sup> day of September 2021.

s/Gerald L. Kucia  
GERALD L. KUCIA